

Agenda

Commission Chambers, City Hall
301 South Ridgewood Avenue
Daytona Beach, Florida

SPECIAL MAGISTRATE PROCEEDING

CITY OF
DAYTONA BEACH

NOTICE – Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by this Board at this public meeting, such person will need a record of the proceedings and, for that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record. Any discussion or contact outside the Special Magistrate hearing with the Special Magistrate concerning any quasi-judicial matter which is, or will come, before the Special Magistrate for a decision are to be disclosed and made part of the record prior to or at the hearing on the matter.

David A. Vukelja, Special Magistrate

	<p>For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8023</p>		<p>Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.</p>
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In accordance with the Americans with Disabilities Act (ADA), persons with a disability needing a special accommodation to participate in the Board meeting should contact the City Clerk's Office, 301 S. Ridgewood Ave, Room 210, Daytona Beach, FL 32114, Ph: (386) 671-8023, Email: clerk@codb.us not later than 72 hours prior to the proceedings. If you are hearing or voice impaired contact the relay operator at 1-800-955-9771.

August 11, 2020 - 9:00 A.M.

1. Call to Order
2. Approval of July 14, 2020 Minutes
3. Announcements
4. Lien Reviews

LR-1

SMG 05-19-113 – 550 N Ridgewood Ave - Gold Label Holdings, LLC is cited for failure to correct violations of The Land Development Code, Art 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 704.1, 704.2, 302.7, 302.8, 304.2, 304.6, 304.7, 304.13, 304.14, 304.15, 305.3, 305.6, 603.1, 605.1 and 607.1). Violation(s) – Damaged interior and exterior surfaces, windows, doors, missing screens, roof, soffit and fascia, exposed wires, damaged fence, no smoke detectors, missing knobs for stove and exhaust vent covers. First Notified – 4/2/2019. **Order Imposing Fine/Lien of \$250.00 per day, effective February 11, 2020. Property is not in compliance. Amount due is \$20,000.00 plus \$24.00 recording costs = \$20,024.00.**

DISPOSITION _____

(Daniel Garcia)

5. Hearing of Cases

CONTINUED CASES:

CASE # 1 - SMG 07-20-77 - Beach Development Group LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.7, 304.13), at **530 N Beach St.**

Violation(s) – **Roof leak, improper gutters, broken windows, exterior walls.**

First Notified – 7/26/2019.

ACTION TO BE TAKEN: Impose Fine.

DISPOSITION _____

(Daniel Garcia)

CASE # 2 - SMG 06-20-112 - Daytona Express Convenience Store, Inc. is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 308.1), at **848 N Beach St.**

Violation(s) – **Trash & debris, overgrown grass and weeds.**

First Notified – 1/6/2020.

ACTION TO BE TAKEN: Impose Fine.

DISPOSITION _____

(Daniel Garcia)

CASE # 3 - SMG 03-20-46 - 712 Grove Property LLC is cited for failure to correct violations of The Land Development Code, City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **1170 S Palmetto Ave.**

Violation(s) – **Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL).**

First Notified – 12/6/2019.

ACTION TO BE TAKEN: Impose Fine.

DISPOSITION _____

(Jerome O. McCoy)

CASE # 4 - SMG 03-20-59 - Benjamin T Martin is cited for failure to correct violations of The Land Development Code, City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **425 Lockhart St.**

Violation(s) – **Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL).**

First Notified – 12/18/2019.

ACTION TO BE TAKEN: Impose Fine.

DISPOSITION _____

(Jerome O. McCoy)

CASE # 5 - SMG 03-20-48 - Jacqueline Diana Bath Trust is cited for failure to correct violations of The Land Development Code, City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **328 Michigan Ave.**

Violation(s) – **Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL).**

First Notified – 12/12/2019.

ACTION TO BE TAKEN: Impose Fine.

DISPOSITION _____

(Jerome O. McCoy)

CASE # 6 - SMG 04-20-80 - Burger King Corporation is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6, Sec. 6.19.B; Art. 6 Sec. 6.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.4), at **112 N Ridgewood Ave.**

Violation(s) – **Commercial property maintenance, not conforming to the site plan, dead trees, bushes, plants and noxious weeds (including around sign monuments), overgrown retention pond.**

First Notified – 5/14/2019.

ACTION TO BE TAKEN: Impose Fine.

DISPOSITION _____

(Michael P. Fitzgerald)

CASE #7 - SMG 03-20-45 - Harvey Estates LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.6), at **707 Harvey Ave.**

Violation(s) – **Damaged cracks in stucco, paint fading and peeling, damaged or rotten wood.**

First Notified – 10/2/2019.

ACTION TO BE TAKEN: Impose Fine.

DISPOSITION _____

(Michael P. Fitzgerald)

CASE # 8 - SMG 03-20-55 - Plaza Spa Ocean Waters LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B; Art. 9 Sec. 9.2.A. (Ref. FBC Supp. IPMC 301.3, 302.2, 302.3), at **N Atlantic Ave (Parcel # 5305-01-39-0051)**.

Violation(s) – **Commercial property maintenance, vacant land, grading and paving, driveway and parking.**

First Notified – 8/19/2019.

ACTION TO BE TAKEN: Impose Fine.

DISPOSITION _____

(Michael P. Fitzgerald)

CASE # 9 - SMG 03-20-47 - Normandy Center LLC/MML Management is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G; Art 6 Sec. 6.19.A.4; Art 6 Sec. 6.19.B; Art. 6 Sec. 6.2.H.A; Art. 9 Sec. 9.1.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.2, 302.3, 302.4, 302.7, 302.8, 304.1, 304.2, 304.4, 304.7, 304.8, 304.13, 304.13.1, 304.13.2), at **934 W Int. Speedway Blvd.**

Violation(s) – **Commercial maintenance code violations - damaged monument sign, dilapidated structure in rear of building, paint fading and peeling, damaged exterior walls and roof - including rotten wood, damaged window, damaged doors, damaged asphalt and concrete, commercial property and lot maintenance - appearance, overgrown grass and weeds.**

First Notified – 9/12/2019.

ACTION TO BE TAKEN: 2nd Con't for a progress report and the determination of a compliance date and to add new owner.

DISPOSITION _____

(Michael P. Fitzgerald)

CASE # 10 - SMG 04-20-75 - Cash Flow Links Florida LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.3, 304.13), at **712 Marion St.**

Violation(s) – **Broken windows, no address numbers, damaged fence.**

First Notified – 11/8/2019.

ACTION TO BE TAKEN: Impose Fine.

DISPOSITION _____

(Sara Kirk)

CASE # 11 - SMG 04-20-76 - Central Florida Community Development Corp Inc. is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **School St (Parcel ID # 5339-83-02-0030)**.

Violation(s) – **No permit for fence.**

First Notified – 8/10/2019.

ACTION TO BE TAKEN: Impose Fine.

DISPOSITION _____

(Sara Kirk)

CASE # 12 - SMG 06-20-114 - FCV Investments LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8, 304.2, 304.13); City Code Ch. 90 Sec. 90-297, at **123 Jean St.**

Violation(s) – **Unlicensed car/storage business, parking on grass, boarded and blocked windows, rust.**

First Notified – 8/28/2019.

ACTION TO BE TAKEN: Impose Fine.

DISPOSITION _____

(Sara Kirk)

CASE # 13 - SMG 06-20-136 - Land Trust Service Corporation Trust No 648SSB is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.6.15, at **648 S Seneca Blvd.**

Violation(s) – **Removal of 3 large live oak trees - IRREPARABLE HARM**

First Notified – 4/30/2020.

ACTION TO BE TAKEN: Cont. from the July meeting for consideration of the imposition of a fine. IRREPERABLE-IRREVERSIBLE

DISPOSITION _____

(Sara Kirk)

CASE # 14 - SMG 04-20-74 - Sea & Sun Properties LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.6, 304.7), at **1065 N Atlantic Ave.**

Violation(s) – **Damaged roof (soffit & fascia), damaged retaining wall, rust on exterior surfaces.**

First Notified – 6/10/2019.

ACTION TO BE TAKEN: Impose Fine.

DISPOSITION _____

(Sara Kirk)

CASE # 15 - SMG 06-20-121 - Togado LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8, 304.6, 304.14, 305.3, 305.6, 504.1, 602.2, 603.1, 604.2, 605.4, 704.2), at **552 Live Oak Ave.**

Violation(s) – **Lack of heat, no insect screens, damaged interior & exterior surfaces, missing smoke detectors, defective plumbing, inoperable electrical outlets and inoperable vehicles.**

First Notified – 2/28/2020.

ACTION TO BE TAKEN: Impose Fine.

DISPOSITION _____

(Sara Kirk)

CASE # 16 - SMG 04-20-85 - Barbara A Morgan is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2), at **209 Freemont Ave.**

Violation(s) – **Mildew on home.**

First Notified – 10/25/2018.

ACTION TO BE TAKEN: Impose Fine.

DISPOSITION _____

(Tom Clig)

CASE # 17 - SMG 04-20-83 - Bulldog LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A, at **608 Butler Blvd.**

Violation(s) – **Parking on the grass.**

First Notified – 12/12/2019.

ACTION TO BE TAKEN: Impose Fine.

DISPOSITION _____

(Tom Clig)

CASE # 18 - SMG 03-20-70 - K & A Property Solutions LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.4, 302.7, 304.2, 304.15, 308.1), at **216 S Grandview Ave.**

Violation(s) – **Change in the floorplan without permits, weeds, accessory structures protective treatment, doors, rubbish & garbage.**

First Notified – 10/3/2019.

ACTION TO BE TAKEN: Impose Fine.

DISPOSITION _____

(Clifford W. Recanzone III)

NEW CASES:

CASE # 19 - SMG 08-20-106 - Pelican Bay Golf Club LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3, 302.4, 302.7), at **550 Sea Duck Dr.**

Violation(s) – **Minimum maintenance standards for commercial sidewalks and driveways, weeds, accessory structures, site appearance standards.**

First Notified – 2/17/2019.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Clifford W. Recanzone III)

CASE # 20 - SMG 08-20-115 - Robert Edward Schalk Trust is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.2, 304.6, 304.7, 304.13, 605.2), at **105 Point O Woods Dr.**

Violation(s) – **Unmaintained landscaping, outside storage, fencing, peeling paint, exterior surfaces, roof and drainage, windows, receptacles.**

First Notified – 6/1/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(John Stenson)

CASE # 21 - SMG 08-20-111 - Indigo Lakes Golf Club LP is cited for failure to correct violations of The Land Development Code, Art. 9. Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3, 302.4, 302.5, 302.7, 304.1.1, 304.9), at **400-312 Indigo Dr.**

Violation(s) – **Abandoned building and unkempt landscape.**

First Notified – 6/2/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(LaWanda Tomengo)

CASE # 22 - SMG 08-20-108 - MasRoc Land LP is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 308.1); Sec. 78-112, at **N Beach St (Parcel #4244-01-36-0201)**.

Violation(s) – **Unsanitary condition, overgrown grass, weeds, branches, bushes, hedges, rubbish and garbage.**

First Notified – 5/26/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Daniel Garcia)

CASE # 23 - SMG 08-20-87 - ML FL Properties Inc is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 308.1), at **North St (parcel # 5338-38-00-0040)**.

Violation(s) – **Outside storage, trash & debris, rubbish and garbage.**

First Notified – 4/30/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Daniel Garcia)

CASE # 24 - SMG 08-20-116 - GEA Seaside Investments, Inc. is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.2.H.7.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.15), at **511-509 Harvey Ave.**

Violation(s) – **Paint fading and peeling, parking on grass in front yard, damaged front door, grass and weeds, overgrown and unmaintained yard.**

First Notified – 10/2/2019.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Michael P. Fitzgerald)

CASE # 25 - SMG 08-20-125 - ACL Realty LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 304.1.1, 304.2, 304.4, 304.6, 304.13.1, 304.13.2, 304.15), at **345 Garden St.**

Violation(s) – **No permit, abandoned vacant building, damaged exterior surfaces, paint fading and peeling, damaged windows and doors.**

First Notified – 10/22/2019.

ACTION TO BE TAKEN: Impose Fine. REPEAT VIOLATION.

DISPOSITION _____

(Michael P. Fitzgerald)

CASE # 26 - SMG 08-20-117 - Alegria Investments LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 304.2), at **128 S Atlantic Ave.**

Violation(s) – **Maintenance/commercial structure.**

First Notified – 10/2/2019.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Michael P. Fitzgerald)

CASE # 27 - SMG 08-20-118 - Alegria Investments LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.E.2; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.19.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.6, 304.7), at **126 S Atlantic Ave.**

Violation(s) – **Maintenance/commercial structure.**

First Notified – 10/3/2019.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Michael P. Fitzgerald)

CASE # 28 - SMG 08-20-124 - Ambassador of Business, Health, Wellness and Etc and His Successors, a Corporation Sole, is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.3, 304.6, 304.8, 304.10, 304.12, 304.13, 304.13.1, 304.13.2, 304.14, 305.3, 305.5, 307.3, 504.3, 604.2, 704.2), at **408 Braddock Ave.**

Violation(s) – **Outside storage, trash and debris, picket fence missing pieces, rotten wood faded and rusted, back staircase damaged, damaged exterior wood, damaged windows, damaged screens, damaged exterior surfaces, damaged electrical, damaged plumbing, damaged accessory structure including stairways handrails and decks, damaged and missing smoke detectors, electrical hazards, plumbing hazards, no permits.**

First Notified – 2/12/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Michael P. Fitzgerald)

CASE # 29 - SMG 08-20-110 - DB 101 Corporation is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.8.G; Art. 9 Sec. 9.2.A; City Code Ch. 90 Sec. 90-297, at **S Ocean Ave (Parcel # 5304-01-03-0010)**.
Violation(s) – **Illegal parking, overgrown lot, fence and wall.**
First Notified – 7/26/2019.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____
(Michael P. Fitzgerald)

CASE # 30 - SMG 08-20-109 - DB 153 Corp is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3); City Code Ch. 90 Sec. 90-297, at **135 S Ocean Ave (Parcel # 5309-02-02-0010)**.
Violation(s) – **Parking - illegal paid parking, broken asphalt, trash on lot and trim; failure to obtain Business Tax Receipt (BTR).**
First Notified – 7/17/2019.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____
(Michael P. Fitzgerald)

CASE # 31 - SMG 08-20-122 - ING Investor Group is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 304.1.1, 304.2, 304.6, 304.7, 304.8, 304.9, 304.10, 304.12, 304.13, 304.13.1, 304.15, 305.1, 305.1.1, 305.3, 305.6, 308.1), at **875 Dr. Mary M Bethune Blvd.**
Violation(s) – **Dilapidated building.**
First Notified – 8/6/2019.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____
(Michael P. Fitzgerald)

6. Miscellaneous Business

7. Adjournment